

Translation
09/868377

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BLOcp226/75P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR99/03311	International filing date (day/month/year) 29 December 1999 (29.12.99)	Priority date (day/month/year) 31 December 1998 (31.12.98)
International Patent Classification (IPC) or national classification and IPC G01N 33/569		
Applicant INSTITUT PASTEUR DE LILLE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20 July 2000 (20.07.00)	Date of completion of this report 23 October 2000 (23.10.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR99/03311

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-14, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-11, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/5-5/5, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 99/03311

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

See separate sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 99/03311

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7, 9-11	YES
	Claims		NO

2. Citations and explanations

See separate sheet

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Separate sheet

1. **Preamble**

The reagent according to claim 1 includes a mixture consisting of "1" and "2".

2. **Point I.4**

The filed sequence listing (1 page) has been taken into account.

3. **Point V.2**

(i) Closest prior art

Document **D1** (publication by Haas et al. (1998)) does not describe a reagent for detecting HIV infection. However, D1 could prompt a person skilled in the art to use HIV-1 pol peptides (particularly integrase, synthetic peptides) in an HIV serodiagnosis system. Document **D8** (WO-A-90/10230) describes the use of an HIV pol polypeptide ("1") for detecting HIV infections (cf. D8, claims 1 and 2). **D4** (publication by Gras-Masse et al. (1992)) might suggest the use of mixotopes, i.e. a mixture of combinatory peptides derived from an HIV antigenic peptide ("2"), for detecting antibodies to HIV. D4 is cited in the application.

(ii) Given the above, the reagent according to claim 1 (and claims 2-7) and the use thereof according to claims 8-11 appear to be novel.

(iii) None of the above-mentioned documents, whether considered alone or in combination, appears to suggest the synergistic effect obtained with a

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Separate sheet

mixture consisting of "1" and "2" (cf. page 5, lines 17-21 and page 13, part c of the description). Therefore, the subject matter of the present claims appears to involve an inventive step.

(iv) The present Authority considers that the subject matter of claim 8 might be covered by the provisions of PCT Rule 67.1(iv). For this reason, no opinion will be given on the question of whether the subject matter of this claim is industrially applicable (PCT Article 34(4)(a)(i)).